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From	L. Paige Nordell, Paralegal	+1 214 965 7263	+1 214 978 3099
User No.	16991		
Client/Matter No.	24004350-010022		
Re	U.S. Application No. 10/080,642		
Pages (w/cover)	6 - Originals Will Not Follow		

Attachments:

Certificate of Transmission under 37 C.F.R. 1.8
Transmittal Form (PTO/SB/21)
Response to Examiner's Office Action dated September 15, 2004
Courtesy copy of Power of Attorney by Applicant and Change of Correspondence Address

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FOR S/N 10/080,642

- 1. Transmittal Form (PTO/SB/21);**
- 2. Response to Examiner's Office Action dated September 15, 2004;**
- 3. Courtesy copy of Power of Attorney by Applicant and Change of Correspondence Address; and**
- 4. Facsimile transmission cover sheet.**

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/080,642
	Filing Date	February 22, 2002
	First Named Inventor	R. Fitzsimmons
	Art Unit	1647
	Examiner Name	Christopher J. Nichols, Ph.D.
	Attorney Docket Number	24004350.010022US-2
Total Number of Pages in This Submission		


ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Richard V. Wells, Reg. No. 53,757 BAKER & MCKENZIE LLP		
Signature			
Date	10/07/2004		

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Paige Nordell		
Signature		Date	10/07/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Fitzsimmons

Title: STIMULATING CELL RECEPTOR ACTIVITY USING
ELECTROMAGNETIC FIELDS

Application No.: 10/080,642

Filed:

February 22, 2002

Examiner:

Christopher J. Nichols, Ph.D. Group Art Unit: 1647

Atty. Docket No.: 24004350.010022 US-2

October 7, 2004

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to Examiner's Office Action of September 15, 2004 with a period of response through October 15, 2004. Examiner has indicated that the application contains claims directed to patentably distinct product and method claims, wherein: Claims 1-7 are drawn to a method for activating a vascular endothelial growth factor (VEGF) receptor using an electromagnetic field; and Claims 8-17 are drawn to a device for producing an electromagnetic field.

In response to this requirement for restriction, Applicant respectfully asserts that the inventions of claims 8-17 are not necessarily distinct from claims 1-7 as required by 35 U.S.C. § 121. However, for the convenience of the Examiner, Applicant provisionally elects, with traverse, the invention of claims 1-7 drawn to "a method for activating a vascular endothelial growth factor (VEGF) receptor using an electromagnetic field," classified in class 607, subclass 2 and withdraws claims 8-17 from consideration. Applicant fully intends to avail itself to the

DALDMS/506396.1

ATTORNEY DOCKET NO. 24004350.010022US-2


protections of 35 U.S.C. § 121 for any subsequently filed divisional or continuation applications that claim subject matter substantially similar to claims 8-17.

Please note that a change of correspondence and Power of Attorney by Assignee were filed on March 17, 2004. A courtesy copy of that document is enclosed with this filing. Please direct all future correspondence to the following attorney-of-record, referencing new attorney docket number 24004350.010022US-2.

William D. McSpadden
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2001 Ross Avenue, Suite 2300
Dallas, TX 75201
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(214) 978-3099 facsimile

If the Examiner has any questions regarding this response or the Application in general, Examiner is invited to contact the Applicant's attorney at the below-listed telephone number. Although Applicant does not believe any fees are due with the filing of this response, the Commissioner is hereby authorized to withdraw any deficiencies or credit any overpayment to Deposit Account No. 13-0480, Attorney Docket Number 24004350.010022US-2.

Respectfully submitted,


Richard V. Wells
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